

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID LEN WILLIAMS,

Defendant and Appellant.

D073937

(Super. Ct. No. SCE374377)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed on December 13, 2018, be modified as follows:

On page 3, the second sentence of the second paragraph, "He has not done so," is deleted and the following sentences are added to the paragraph:

He sent a supplemental brief to counsel, who forwarded it to us after we had filed our opinion. In the supplemental brief, Williams contends that his trial counsel provided ineffective assistance by not calling him as a witness at trial, he had a conflict of interest with the

attorneys appointed to represent him at trial and on appeal, and his arrest and prosecution were the result of racial discrimination in violation of his statutory and constitutional rights. Williams, however, does not explain what testimony he would have given had he been called to testify at trial, how his testimony would have helped his case, how his interests conflicted with those of his trial or appellate counsel, or how his arrest and prosecution were based on racial discrimination rather than the evidence of the assault and battery he committed against Eugene. Williams does not support his contentions with either citations to the record or any meaningful discussion of relevant legal authorities. We therefore deem them forfeited. (See, e.g., *People v. Nguyen* (2013) 212 Cal.App.4th 1311, 1334-1335; *People v. Watkins* (2009) 170 Cal.App.4th 1403, 1410.)

Appellant's petition for rehearing is denied. There is no change in the judgment.

HALLER, Acting P. J.

Copies to: All parties

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APPEAL from a judgment of the Superior Court of San Diego County, Patricia K. Cookson, Judge. Affirmed.

Pauline E. Villanueva, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury found David Len Williams guilty of battery with serious bodily injury (Pen. Code, § 243, subd. (d))¹ and assault by means likely to produce great bodily injury (§ 245, subd. (a)(4)), and found true attached allegations that he personally inflicted great

¹ Subsequent statutory references are to the Penal Code.

bodily injury on another person who was not an accomplice (§§ 1192.7, subd. (c)(8), 12022.7, subd. (a)). The trial court sentenced Williams to prison for three years on the assault conviction (§ 245, subd. (a)(4)), plus a consecutive term of three years for the great bodily injury enhancement (§ 12022.7, subd. (a)), and imposed and stayed execution of a three-year term on the battery conviction (§§ 243, subd. (d), 654, subd. (a)). Appointed appellate counsel filed a brief pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*) and *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) raising no claims of error and inviting this court to review the record independently for error. We affirm the judgment.

BACKGROUND

After drinking and smoking marijuana with Eugene W. and Shawn H., Williams became angry with Eugene, screamed at him, and then twice punched him in the face. When Eugene went to a hospital several hours later, he had a fractured cheekbone and a facial hematoma, which was surgically drained.

On the charge of battery with serious bodily injury the trial court instructed the jury: "*A serious bodily injury* means a serious impairment of physical condition. Such an injury may include, but is not limited to: loss of consciousness, bone fracture, a protracted loss or impairment of function of any bodily member or organ, or a wound requiring extensive suturing." (CALCRIM No. 925.) During deliberations, the jury sent the following question to the court: "How many (or is it just one?) of the symptoms need to be considered for 'serious bodily injury' in the greater battery charge to apply?" The court responded by referring the jury to the portion of CALCRIM No. 925 quoted above.

DISCUSSION

Williams's appointed appellate counsel filed a brief summarizing the facts and proceedings of the case. Counsel presented no argument for reversal or modification of the judgment and instead asked us to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, counsel identified three issues to assist this court in its review: (1) "Whether CALCRIM No. 925 effectively results in a directed verdict by telling the jury that specific injuries constitute 'serious bodily injury' as a matter of law"; (2) "Whether the trial court erred in its response to the jury's question during deliberations"; and (3) "Whether there was sufficient evidence of causation, specifically with regards to the injuries suffered by [Eugene]."

We granted Williams permission to file a supplemental brief on his own behalf. He has not done so.

Having reviewed the entire record for error pursuant to *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, we find no arguable grounds for reversal or modification of the judgment on appeal. Williams has been competently represented by counsel on appeal.

DISPOSITION

The judgment is affirmed.

GUERRERO, J.

WE CONCUR:

HALLER, Acting P. J.

AARON, J.